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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,294	02/21/2001	Yukihiro Miyama	108669	4979

25944 7590 06/16/2003

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EXAMINER

SADULA, JENNIFER R

ART UNIT	PAPER NUMBER
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1756

DATE MAILED: 06/16/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/763,294

Applicant(s)

MIYAMA ET AL.

Examiner

Jennifer R. Sadula

Art Unit

1756

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 June 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

Art Unit: 1756

### **DETAILED ACTION**

The following Office Action is a complete response to the amendment and arguments filed 6/2/2003.

#### ***Response to Amendment***

The amendment to the claims and specification has overcome all objections to the claims, specification and abstract as well as all rejections based upon 35 USC 112 second paragraph.

#### ***Information Disclosure Statement***

The information disclosure statement (IDS) submitted on 6/28/01 and resubmitted on 5/12/2003 has been considered by the examiner. However, the examiner wishes to note that these references merely submitted with English translations of an abstract have only been considered on the merits of that which was in English and no more. Any reference without an English language translation was not considered.

#### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or

Art Unit: 1756

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

Claims 1-15 are rejected under 35 U.S.C. 102(b) as being anticipated by Oskinoshima et al., U.S. Patent No. 5,441,845 ("Oskinoshima I").

Oskinoshima I teaches a photosensitive polymeric composition for use as a protective film for use as an alignment film wherein the alignment film is photoaligned due to photosensitivity. The polymer as taught substantially overlaps the orientation films of the present invention. In particular, see formulas 1 and 3 wherein the polyimide precursor is taught. See also a-1.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-15 are further rejected under 35 U.S.C. 103(a) as being unpatentable over Yazaki et al., U.S. Patent No. 6,025,895 ("Yazaki") in view of either Oskinoshima I, as applied above or Oskinoshima et al., U.S. Patent No. 5,292,619 ("Oskinoshima II").

Yazaki teaches a liquid crystal display consisting of polyimine alignment films were rubbing treatment is not administered. The full device is disclosed, however the composition of the alignment film is not.

Art Unit: 1756

Both Oskinoshima I and Oskinoshima II teach polyimide alignment film materials for use in situations where rubbing is not preferred. Both references define polyimides as inclusive of polyamic acids and such derivations (note formulas I and II in Oskinoshima II and formulas I and III in Oskinoshima I).

It would have been obvious to one of ordinary skill in the art at the time of invention to make or use the device of Yazaki with the polymeric film materials of either Oskinoshima I or II as Yazaki teaches that the film material be of polyimine photosensitive materials and both secondary references teach examples of such.

### ***Response to Arguments***

Applicant's arguments filed 6/2/2003 have been fully considered but they are not persuasive. Examiner notes that the perfection of the foreign priority overcomes the rejections made to in light of the teaching of Buchecker.

With regard to the teaching of Oskinoshima, Applicants claimed invention is drawn toward a liquid crystal alignment agent comprising irradiating a think alignment film and aligning a liquid crystal without rubbing wherein the liquid crystal alignment agent comprises a polymer having the formula 1-7. Applicant argues that the present invention differs from that of Oskinoshima as "the specific chemical structure of the claimed polymer provides for liquid crystal alaignment films, containing aligned liquid crystal molecules, that are heat and light stable, in the absence of any photo sensitive diazoquinone compounds" (arguments, page 15) Furthermore the applicants argue that Oskinoshima teaches "that a film of its photosensitive

Art Unit: 1756

resin composition requires light ray irradiation through a mask of a desired pattern and further treatment

***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer R. Sadula whose telephone number is 703.305.4835. The examiner can normally be reached on Monday through Friday, 10am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark F. Huff can be reached on 703.308.2464. The fax phone numbers for the organization where this application or proceeding is assigned are 703.872.9310 for regular communications and 703.872.9311 for After Final communications.

Art Unit: 1756

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703.308.0661.

JRS  
June 12, 2003

A handwritten signature in black ink, appearing to read "Mark F. Huff", with a long, sweeping horizontal line extending to the right.

**MARK F. HUFF  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 1700**